

Facts for Consumers

Grocery Store Rain Checks



Federal Trade Commission
Bureau of Consumer Protection
Office of Consumer & Business Education
(877) FTC-HELP www.ftc.gov

June 1997

Looking for ways to cut your food bill? Shopping for advertised specials in grocery stores can help. Yet, many advertised sale items may disappear before you get to the store.

If you can't find an advertised sale item on the grocery shelf, ask for it. If the store has run out, ask about a rain check. Unless the ad says quantities are limited or available only at certain locations, the grocer probably will offer you some form of compensation. The Federal Trade Commission's (FTC) **Unavailability Rule** says how and if customers should be compensated.

The Unavailability Rule

The Unavailability Rule was issued in 1989 as an amendment to the Retail Food Store Advertising and Marketing Practices Rule. It helps protect consumers against food stores that advertise bargains to attract customers but fail to have adequate stock available.

Under this Rule grocers may offer rain checks to customers if they run out of advertised items. However, rain checks are not required if the ad clearly says that quantities are limited or that products are available only at some stores. This gives grocery stores the flexibility to advertise items that they cannot stock in large quantities or at certain outlets. Such items may be seasonal products or perishables, like holiday cakes or fruits and vegetables.

If a store does not disclose the limited availability of an advertised item and runs out, the FTC may excuse the violation if the store can prove an order was placed in adequate time and quantities to meet the anticipated demand. The violation also may be excused if the store offered customers one of three options:

- ◆ a "rain check" that allows customers to buy the item later at the sale price;
- ◆ a substitute item of comparable value to the sale item;
- ◆ some kind of compensation that is at least equal in value to the advertised item.

If a store runs out of an advertised special you want, ask for a rain check, a substitute, or other compensation. Most grocers want to satisfy their customers and comply with the Rule.

If a Store Does Not Comply

If you know of a grocery store that routinely runs out of advertised specials, fails to say when specials are limited, and doesn't provide you with a rain check, a substitute item, or some other compensation, write to: Consumer Response Center, Federal Trade Commission, Washington, D.C. 20580. Letters from shoppers can help the FTC identify food retailers who may not be complying with the Rule.

For More Information

The FTC publishes brochures on a wide range of consumer issues. For a complete list contact, **Best Sellers**, Consumer Response Center, Federal Trade Commission, Washington, DC 20580; 202-326-2222.

You also can access FTC consumer publications at **www.ftc.gov** on the Internet.

Facts

for Consumers



Federal Trade Commission
Bureau of Consumer Protection
Office of Consumer & Business Education
(202) 326-3650

May 1997